

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CIRCLE K STORES INC., a Texas
corporation,

Civ. No. 10-6389-AA

ORDER

Plaintiff,

v.

RICHARD L. ZILLMAN, trustee of
the RICHARD L. ZILLMAN FAMILY
TRUST,

Defendant.

AIKEN, Chief Judge:

Before the court is plaintiff's Motion for Temporary Restraining Order and Order to Show Cause. After review of the Complaint, plaintiff's motion, and supporting affidavits and exhibits:

THE COURT FINDS that plaintiff has raised serious questions with respect to its claims, and that the balance of hardship tips

in its favor; and that plaintiff may suffer irreparable harm if it is excluded from the Leased Premises, and that defendants cannot be heard and the underlying legal issues cannot be resolved before the harm may occur.

Accordingly, IT IS HEREBY ORDERED that plaintiff's Motion for Temporary Restraining Order (doc. 3) is GRANTED.

Pursuant to Federal Rule of Civil Procedure 65(d), defendant IS HEREBY ENJOINED from taking action that would harm or interfere with Circle K's rights in the Leased Premises, including but not limited to terminating Circle K's possession of the Leased Premises, interfering with Circle K's business on the Leased Premises, and executing any lease or sale of the Leased Premises inconsistent with Circle K's rights of first refusal.

THE COURT FURTHER FINDS that no security shall be required to support issuance of this Order pursuant to Fed. R. Civ. P. 65(c), finding that defendant will continue to receive rental income from plaintiff, absent a showing from defendant of financial harm resulting from imposition of this Order.

This Order shall expire ten days after the date of its entry, unless further extended by the court pursuant to Fed. R. Civ. P. 65(b) (2) .

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IT IS FURTHER ORDERED that the parties shall appear before this court by telephone on December 1, 2010 at 10:30 a.m., and that defendant shall show cause, if any, why this restraining order should not be continued during the pendency of this action as a preliminary injunction. The court shall initiate the call.

IT IS SO ORDERED.

Dated this __22__ day of November, 2010.

_____/s/ Ann Aiken_____
Ann Aiken
United States District Judge